

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:06-CR-189-1H

UNITED STATES OF AMERICA )  
 )  
 V. ) ) O R D E R  
 ) ) AMENDING JUDGMENT  
GILBERT SMITH )

This matter is before the court on the government's motion filed September 21, 2010, for downward departure pursuant to Rule 35 of the Federal Rules of Criminal Procedure.

For good cause shown, the court hereby grants the motion of the government for downward departure and amends the original judgment as follows:

It is hereby ordered that the defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of 108 months on Counts 1, 7 and 8, to run concurrently.

All other aspects of the original judgment dated June 5, 2007, are hereby reaffirmed.

This 6th day of October, 2010.

Malcolm J. Howard  
MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
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